

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 210504-063

WHEREAS, The SFMTA's Central Subway Project, which is Phase 2 of the Third Street Light Rail Project, is constructing a new subway line in San Francisco, which runs approximately 1.6 miles from 4th and Brannan Streets, north under Fourth Street to Stockton Street, and north under Stockton Street into Chinatown; and,

WHEREAS, In 2011, the San Francisco Arts Commission and the SFMTA awarded contracts to artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to design and consult on the fabrication and installation of works of art to be displayed in the Central Subway stations (collectively the Artists' Contracts); and,

WHEREAS, Each of the Artists' Contracts have been amended several times to address various changes in stations designs and to extend the terms of the Artists' Contracts to conform to delays and schedule changes in the Project construction schedule; and,

WHEREAS, Due to staff error, the terms of the contracts with Paramedia and Catherine Wagner, respectively, were inadvertently previously extended beyond the ten-year limit requiring Board of Supervisors' approval under Charter 9.118(b), which these contract modifications will remedy; and,

WHEREAS, Due to staff error, the terms of contracts with Yumei Hou, White Light, and Tomie Arai, each inadvertently expired, which the parties did not intend, and by these approvals the SFMTA Board of Directors affirms said contracts continued in full force without interruption, and further approves of all actions, expenditures and payments that the SFMTA has made to date in furtherance of those contracts; and,

WHEREAS, Due to delay to the Central Subway Project construction, the terms of each of the Artists' Contracts must be further extended so that the artists will remain available to consult on the fabrication and the installation of their respective artworks in the Central Subway Stations; and,

WHEREAS, The San Francisco Civil Service Commission approved the Artists' Contracts under Civil Service Commission Notice of Action for Contract No. 4062-10/11, dated January 3, 2011; and,

WHEREAS, The SFMTA's Contract Compliance Office has previously determined that due to the proprietary nature of the Artists' Contracts, there are no subcontracting opportunities for Small Business Enterprises those contracts; and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, The modification of the Artists' Contracts as described herein comes within the scope of the Central Subway SEIS/SEIR; and,

WHEREAS, The Central Subway SEIS/SEIR is on file with the SFMTA Board of Directors and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference; now therefore, be it

RESOLVED, That the SFMTA Board of Directors has reviewed and considered the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report and record as a whole, and finds that the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report is adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, and incorporates the California Environmental Quality Act findings by this reference as though set forth in this Resolution; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modifications Nos. 3 and 4 and approves Contract Modification No. 5 to the Agreement between the City and the County of San Francisco and Catherine Wagner LLC to provide artwork for the Central Subway Project (Wagner Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, for a total contract amount not to exceed amount \$328,376, and to extend the term of that contract to December 31, 2021 to accord with modified Project construction deadlines; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to retroactively approve Contract Modifications Nos. 3 and 4 and approve Contract Modification No. 5 to the Wagner Contract to extend the term of that contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modification No. 2 and approves Contract Modification No. 3 to the Agreement between the City and County of San Francisco and Paramedia, LLC to provide artwork for the Central Subway Project (Paramedia Contract) to design, fabricate and consult on the installation of artwork to be displayed in the Central Subway, to extend the term of that contract to December 31, 2021, to accord with modified Project construction deadlines, with no increase to the contract amount, and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification Nos. 2 and 3 to the Paramedia Contract to extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modification No. 4 to the Agreement between the City and the County of San Francisco and White Light Inc. and Werner Klotz Public Art Inc. to provide artwork for the Central Subway Project (White Light Contract), to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to December 31, 2021 to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modifications No. 4 to the White Light Contract to extend the term of that contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 3 to the Agreement between the City and the County of San Francisco and Tomie Arai to provide artwork for the Central Subway Project (Arai Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification No. 3 to the Arai Contract to the extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 2 to the Agreement between the City and County of San Francisco and Yumei Hou to provide artwork for the Central Subway Project (Hou Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification No. 2 to the Hou Contract to the extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves all actions and expenditures made by the SFMTA and the Arts Commission concerning the aforesaid contracts; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation, in consultation with the City Attorney, to take such action as the Director deems necessary to effect the intent and purposes of this Resolution.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 4, 2021.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency